

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IBRAHIM TURKMEN, *et al.*

Plaintiffs,

v.

JOHN ASHCROFT, Attorney General of the
United States, *et al.*

Defendants.
-----X

**SUPPLEMENTAL MEMORANDUM
OF DEFENDANT JAMES ZIGLAR IN
SUPPORT OF THE MOTION TO
DISMISS THE SECOND
AMENDED COMPLAINT**

02 CV 2307 (JG)

Defendant James Ziglar, in his individual capacity, hereby adopts by reference the arguments made by all the other defendants in their Supplemental Memoranda submitted pursuant to this Court's Order dated June 12, 2003. Those Memoranda demonstrate why the Court should dismiss the claims against Mr. Ziglar in his individual capacity, including the additional claims pleaded in the First Amended Complaint.

In addition, Mr. Ziglar notes that the only additional specific allegations made about Mr. Ziglar in the Second Amended Complaint allege that Mr. Ziglar "ordered and/or condoned the prolonged placement of these detainees in extremely restrictive confinement." *Second Amended Complaint* ¶ 57, citing to various portions of the Report Of The Inspector General. Such an averment has no relation whatsoever to new claims for relief twenty-one and twenty-two, and for this additional reason those claims must be dismissed as against Mr. Ziglar. With regard to new claims 17 through 20, this averment regarding Mr. Ziglar's personal involvement is too anemic to support these claims against Mr. Ziglar individually. *E.g., Ford v. Moore*, 237 F.3d 156 (C.A. 2 2001).

For these reasons, defendant James Ziglar respectfully requests that the Court dismiss with prejudice all claims alleged in the Second Amended Complaint against Mr. Ziglar personally.

Respectfully submitted,

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Dated:

CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of July 2003, I directed that a true copy of the foregoing SUPPLEMENTAL MEMORANDUM OF DEFENDANT JAMES ZIGLAR IN SUPPORT OF THE MOTION TO DISMISS THE SECOND AMENDED COMPLAINT be mailed first-class, postage prepaid to Timothy P. Garren, Senior Trial Counsel, United States Department of Justice, Ben Franklin Station, P.O. Box 7146, Washington, D.C. 20044; Douglas Letter, Terrorism Litigation Counsel, Civil Division, United States Department of Justice, Room 9106, 601 D Street, N.W., Washington, D.C. 20530; Ernesto H. Molina, Jr., Senior Litigation Counsel, United States Department of Justice, Civil Division, Office of Immigration Litigation, P.O. Box 878, Ben Franklin Station, Washington, D.C. 20044; Mark E. Nagle, Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 555 4th Street, N.W., Washington, D.C. 20530; R. Craig Lawrence, Assistant United States Attorney, United States Attorney's Office for the District of Columbia, 555 4th Street, N.W., Washington, D.C. 20530; Michael L. Martinez, Crowell & Moring, 1001 Pennsylvania Avenue, N.W., Washington, D.C. 20004-2595; Allan N. Taffett, Duval & Stachenfeld, 300 East 42nd Street, New York, New York, 10017; Larry Lee Gregg, Special Department of Justice Attorney, Assistant United States Attorney's Office for the Eastern District of Virginia, 2100 Jamieson Avenue, Alexandria, Virginia 22314; M. Hannah Lauck, Special Department of Justice Attorney, Assistant United States Attorney's Office for the Eastern District of Virginia, 600 East Main Street, 18th Floor, Richmond, Virginia 23219; Nancy Chang, Center For Constitutional Rights, 666 Broadway, 7th Floor, New York, New York 10012; David Cole,

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